

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this Amendment, claims 1-21 will be pending.

In the Office Action, claims 1, 3-5, 9, 12, 17 and 18 are rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 6,801,536, to Foster et al (hereinafter "Foster et al"). With regard to claim 1, Applicants respectfully submit that Foster et al fails to teach or suggest the claimed features of a memory device for storing "*content transmitted in a broadcast signal using said digital broadcast system, the content comprising data files, said data files each being partitioned into segments that are interspersed in said broadcast signal, said broadcast signal being provided with at least one header comprising information indicating the number of said segments that constitute at least one of said data files and information to identify each of said segments*", among other features. The Foster et al patent discloses a system for buffering MPEG transport streams in a set-top box. The set-top box depicted in Fig. 2 of Foster et al divides an MPEG transport stream into sub-blocks. Foster et al does not create sub-blocks prior to transport and therefore does not teach or suggest storing content in a broadcast signal having data files partitioned into segments interspersed a broadcast signal, as claimed. Further, neither the packets in the transport stream 210 nor the sub-blocks in Foster et al indicate the number of segments that constitute a partitioned file nor identity each segment, as claimed in claim 1. The bytes-to-interrupt (BTI) values are added at the set-top box and therefore after transport. Further, the BTI values are merely time reference stamps that do not indicate the number of segments that constitute a data file in a broadcast signal, as claimed.

With regard to claim 3, the recited header is in the broadcast signal. The references to Foster et al relied on in the Office Action that refer to a header created for a sub-block do not disclose or suggest the claimed invention since these headers are generated at the set-top box and not transmitted in a broadcast signal, as claimed. The references to Foster et al relied on in the Office Action that refer to a transport stream header also do not disclose or suggest the claimed invention since these transport headers merely indicate data type but not size of a data file to which the packets corresponding to the transport header may belong. Similarly, with regard to the rejection of claims 4 ,

5 and 9, the headers relied on in the office action, as taught by Foster et al, are generated at the set-top box and are not sent in a broadcast signal, as claimed.

With regard to the rejection of claim 12 in the Office Action, the Office Action merely relies on sections of Foster et al describing the buffers 240A and 240V for storing sub-blocks, or buffering of data prior to storage on a mass storage device such as an HDD. Foster et al, however, does not disclose or suggest determining whether all segments of a data file are received (i.e., the data file being recited in claim 1, from which claim 12 depends, as having a header indicating the number of segments that constitute the data file, and being provided the header prior to transport in a broadcast signal), and then storing completely received and incompletely received data files in respective portions of a memory device.

Claim 17 recites content received in a broadcast signal. Like claim 1, claim 17 also recites “content *comprising data files*, said data files each being *partitioned into segments that are interspersed in said broadcast signal*, said broadcast signal being provided with at least one header comprising information indicating the number of said segments that constitute at least one of said data files,” as well as information “*identifying each of said segments*”, among other features. Thus, Applicants submit that Foster et al does not disclose or suggest a method as recited in claim 17 for the same reasons stated above with regard to claim 1. Further, claim 17 recites, after selecting a data file received in a broadcast signal, the steps of “allocating a portion of said memory device that corresponds in size to the number of said segments that constitute said selected data file; analyzing said information in said at least one header to identify said segments received via said broadcast signal and corresponding to said selected data file; and storing said segments in said portion of said memory device that correspond to said selected data file.” Foster et al does not disclose selecting a data file received from a broadcast signal that is characterized in the broadcast signal by a header indicating the number of segments that constitute the data file. Thus, Foster et al does not disclose or suggest analyzing a header in a broadcast signal to identify segments in a selected data file for storage. Further, with regard to claim 18, Foster et al does not perform monitoring as claimed, as the Office Action appears to suggest. The filling of buffers, as taught by Foster et al and relied on in the Office Action, does not teach or suggest monitoring those segments of a selected data file, which are identified via a header in a received broadcast signal, are not yet received and stored. Nothing in the description of the transport headers or sub-blocks teaches or suggests

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determining which segments in a data file have not been received. The buffers employed by Foster et al are merely sized to guarantee no overflow and have nothing to do with the number of segments identified in a broadcast data file (see column 5, lines 65-67 and column 6, lines 17-22 of Foster et al).

In view of the foregoing, Applicants respectfully request withdrawal of the 35 U.S.C §102(e) rejection of claims 1, 3-5, 9, 12, 17 and 18 as being anticipated by U.S. Patent No. 6,801,536, to Foster et al.

In the Office Action, claims 2, 10 and 19 are rejected under 35 U.S.C §103(a) as being obvious over Foster et al in view of U.S. Patent No. 5,732,324, to Rieger III (hereinafter "Rieger III"). Claim 2 recites generating an alert message when segments in a data file are received. As recited in claim 1 from which claim 2 depends, a data file is characterized in a broadcast signal by a header indicating the number of segments that constitute the data file. Rieger III is relied on for its purported disclosure of alerting a user when data segments have been stored in a memory device as claimed in claim 2.

Applicants respectfully submit that Rieger III does not disclose such alerting, and that the Rieger III does not overcome the deficiencies of Foster et al. Rieger III teaches sending audio programs from low power transmitters to proximate digital burst radio (PDBR) receiving units in motor vehicles. The programs have preambles identifying programs by a brief textual description and date of creation. Thus, Rieger III does not teach a header comprising information indicating the number of said segments that constitute a data file. Rieger III merely teaches that a receiving unit can use the preamble to filter previously received programs based on the brief textual description and date of creation in the preamble. Rieger III, however, cannot use the preamble to "monitor the progress of storage of said segments" as recited in claim 1. Rieger III merely teaches determining if an entire program is received and stored, and not its progress.

Similarly, with regard to claims 10 and 19, neither Foster et al nor Rieger III teach or suggest determining which segments, as recited in claim 1 and 17 respectively, have been stored. In view of the foregoing, Applicants respectfully request withdrawal of the 35 U.S.C §103(a) rejection of claims 2, 10 and 19.

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In the Office Action, claims 6, 7, 13-15, 20 and 21 are rejected under 35 U.S.C §103(a) as being obvious over Foster et al in view of U.S. Patent No. 5,815,671, to Morrison (hereinafter "Morrison"). Morrison is relied on for its purported disclosure of message data codes in sent data. Applicants respectfully submit that Morrison does not overcome the deficiencies of Foster et al. Morrison does not teach or suggest a data file characterized in a broadcast signal by a header indicating the number of segments that constitute the data file, among other aspects of the claimed invention. Further, the STC in Foster et al discussed in the Office Action with respect to claim 13 is added at the receiver and therefore does not suggest a segment header in a broadcast signal as claimed. Applicants respectfully request withdrawal of this basis for rejecting claims 6, 7, 13-15, 20 and 21 under 35 U.S.C §103(a).

In the Office Action, claim 11 is rejected under 35 U.S.C §103(a) as being obvious over Foster et al in view of Rieger III and Morrison. None of these three references, however, singly or in combination teaches or suggests the invention recited in claims 1 or 10, the base and intervening claims from which claim 11 depends for reasons set forth above. Applicants therefore respectfully request withdrawal of this basis for rejecting claim 11 under 35 U.S.C §103(a).


Finally, in the Office Action, claims 8 and 16 are rejected under 35 U.S.C §103(a) as being obvious over Foster et al in view of Morrison and U.S. Patent Application Publication No. US 2003/0212996, to Wolzien (hereinafter "Wolzien"). Paragraph [0058] of Wolzien is relied on for its purported disclosure of code identification information that identifies a type of car for a user profile to facilitate an automated push information operation. Applicants respectfully submit that Wolzien does not overcome the deficiencies of Foster et al. Further, none of these three references singly or in combination teaches or suggests the invention recited in claims 1 or 13, the base claims from which claims 8 and 16 depend for reasons set forth above. For example, Wolzien does not teach or suggest partitioning of a data file in a broadcast signal into segments and providing headers in the broadcast signal to indicate the number of segments in a data file, as recited in both of claims 1 and 13. Applicants therefore respectfully request withdrawal of this basis for rejecting claims 8 and 16 under 35 U.S.C §103(a).

In view of the foregoing remarks and amendments, the application, including claims 1-21, is believed to be in condition for allowance. Should the Examiner have any questions,

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however, the Examiner is invited to contact the undersigned attorney at the local telephone number listed below.

Respectfully submitted,


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